

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James M. Binley, et al.
Serial No. : Not Yet Known (divisional of U.S. Serial No.
09/602,864, filed June 23,
2000)
Filed : December 21 , 2001
For : STABILIZED VIRAL ENVELOPE PROTEINS AND USES
THEREOF

1185 Avenue of the Americas
New York, New York 10036
December 21, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: Patent Applications

Sir:

PRELIMINARY AMENDMENT

Please amend the subject application as follows:

In the claims:

Please cancel claims 1-29, 31-32, 34-43, 47-80 and 83-86 without prejudice or disclaimer to applicants' rights to pursue the subject matter of these claims in a later-filed application. Please amend claims 30, 33 and 46 under the provisions of 37 C.F.R. § 1.121(c) as follows. A marked up version of the amended claims wherein the deleted material is in brackets and the inserted material is underlined is attached hereto as Exhibit A:

--30. (Amended) A vaccine which comprises a therapeutically effective amount of the protein encoded by a nucleic acid which comprises a nucleotide segment having a sequence encoding a complex comprising a viral surface protein and

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a corresponding viral transmembrane protein wherein the complex contains one or more mutations in amino acid sequence that enhance the stability of the complex formed between the viral surface protein and the viral transmembrane protein.--

--33. (Amended) A vaccine which comprises a prophylactically effective amount of the protein encoded by a nucleic acid which comprises a nucleotide segment having a sequence encoding a complex comprising a viral surface protein and a corresponding viral transmembrane protein wherein the complex contains one or more mutations in amino acid sequence that enhance the stability of the complex formed between the viral surface protein and the viral transmembrane protein.--

--46. (Amended) A mutant HIV-1 envelope protein which is encoded by a nucleic acid which comprises a nucleotide segment having a sequence encoding a complex comprising a viral surface protein and a corresponding viral transmembrane protein wherein the complex contains one or more mutations in amino acid sequence that enhance the stability of the complex formed between the viral surface protein and the viral transmembrane protein.--

Remarks

Applicants have hereinabove canceled claims 1-29, 31-32, 34-43, 47-80 and 83-86 without prejudice or disclaimer to applicants' rights to pursue the subject matter of these claims in a later-filed application and amended claims 30, 33 and 46. Support for these

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amendments may be found inter alia in the specification on page 24, lines 1-9. These amendments do not involve any issue of new matter. Therefore, entry of this amendment is respectfully requested such that claims 30, 33, 44-46, 81 and 82 will be pending.

In addition, applicants respectfully point out that claims 30, 33, 44-46, 81 and 82 correspond to Examiner's Group II in the restriction requirement issued on October 2, 2001 in connection with U.S. Serial No. 09/602,864, filed June 23, 2000, which is the parent of the above-identified application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone either of them at the number provided below.

No fee, other than the enclosed \$538.00 fee, which includes the \$370.00 filing fee and the \$168.00 fee for additional claims, is deemed necessary in connection with the filing of this Preliminary Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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Exhibit A

- 30. (Amended) A vaccine which comprises a therapeutically effective amount of the protein encoded by [the] a nucleic acid [of claim 1] which comprises a nucleotide segment having a sequence encoding a complex comprising a viral surface protein and a corresponding viral transmembrane protein wherein the complex contains one or more mutations in amino acid sequence that enhance the stability of the complex formed between the viral surface protein and the viral transmembrane protein.--
- 33. (Amended) A vaccine which comprises a prophylactically effective amount of the protein encoded by [the] a nucleic acid [of claim 1] which comprises a nucleotide segment having a sequence encoding a complex comprising a viral surface protein and a corresponding viral transmembrane protein wherein the complex contains one or more mutations in amino acid sequence that enhance the stability of the complex formed between the viral surface protein and the viral transmembrane protein.--
- 46. (Amended) A mutant HIV-1 envelope protein which is encoded by [the] a nucleic acid [of any one of claims 3-18] which comprises a nucleotide segment having a sequence encoding a complex comprising a viral surface protein and a corresponding viral transmembrane protein wherein the complex contains one or more mutations in amino acid sequence that enhance the stability of the complex formed between the viral surface protein and the viral transmembrane protein.--